

MORVILLO ABRAMOWITZ GRAND JASON & ANELLO P.C.

ELKAN ABRAMOWITZ
RICHARD F. ALBERT
ROBERT J. ANELLO*
KATHLEEN E. CASSIDY
BENJAMIN S. FISCHER
CATHERINE M. FOTI
CHRISTOPHER B. HARWOOD
LAWRENCE JASON
BRIAN A. JACOBS
TELEMACHUS P. KASULIS
KAREN R. KING
THOMAS A. MCKAY
ROBERT M. RADICK*
JONATHAN S. SACK**
EDWARD M. SPIRO
JEREMY H. TEMKIN
RICHARD D. WEINBERG

565 FIFTH AVENUE
NEW YORK, NEW YORK 10017
(212) 856-9600
FAX: (212) 856-9494

www.maglaw.com

WRITER'S CONTACT INFORMATION

ralbert@maglaw.com
(212) 880-9560

SENIOR COUNSEL

PAUL R. GRAND

—

COUNSEL

JASMINE JUTEAU

—

ROBERT G. MORVILLO

1938-2011

MICHAEL C. SILBERBERG

1940-2002

JOHN J. TIGUE, JR.

1939-2009

* ALSO ADMITTED IN WASHINGTON, D.C.

** ALSO ADMITTED IN CONNECTICUT

November 30, 2023

BY ECF

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Darren Morris, 11 Cr. 912 (RA)*

Dear Judge Abrams:

On behalf of our client Darren Morris, we write to respectfully request that the Court direct that the Probation Department prepare an addendum to the Supplemental Presentence Report addressing the Probation Department's September 28, 2023 interview of Mr. Morris. We also request that the Court adjourn the sentencing date, currently scheduled for December 15, 2023, to January 19, 2024 or a date thereafter convenient to the Court, to allow time for the Probation Department to prepare such addendum and for the parties to address such addendum in their sentencing submissions. We have conferred with the government and it takes no position on our request regarding the addendum, but it consents to the adjournment if the Court grants such request.

This matter is before the Court for re-sentencing following the Second Circuit's March 7, 2023 ruling and remand. *See United States v. Morris*, 61 F.4th 311 (2d Cir. 2023). Pursuant to the Supreme Court's decision in *United States v. Taylor*, 142 S. Ct. 2015 (2022), the Second Circuit vacated Mr. Morris's conviction on Count 1, which charged Mr. Morris with violating 18 U.S.C. § 924(c) based on an attempted Hobbs Act Robbery, but affirmed his conviction on Count 2, which was a separate § 924(c) charge. Judge Keenan initially sentenced Mr. Morris in December 2015 to the then-applicable mandatory minimum 30-year term of imprisonment. Now convicted only on Count 2, the mandatory minimum applicable to Mr. Morris, which is also the applicable Guidelines sentence, is 10 years, and Mr. Morris has already served well in excess of that period. Based on the conduct underlying Count 2, however, the government has in the past advised that it may request that the Court re-impose the same 30-year sentence.

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At our request, the Court directed that an updated presentence report be prepared. Accordingly, on September 28, 2023, Probation Officer Simone Belgrave, the same officer who interviewed Mr. Morris in 2014 in connection with his original sentencing, interviewed Mr. Morris, who was accompanied by counsel. We were thereafter advised that the Probation Department had adopted a new procedure in post-*Taylor* cases to prepare only a streamlined update of the original PSR, which re-computes the applicable Guidelines calculation and provides information relating to post-sentencing adjustment while in custody. We received that streamlined Supplemental Presentence Report, which was prepared by a different Probation Officer, Nichole Brown-Morin, on Monday, November 27, 2023. This abridged report includes the applicable Guideline calculation and attaches BOP records, but provides no further information beyond the original PSR.

In the circumstances of this case, we believe that Mr. Morris's post-conviction rehabilitation – the striking change he has undergone during the more than a decade he has served in prison – will be important to the Court's decision in resentencing. We will be addressing this issue in detail in our sentencing memorandum and providing relevant supporting materials. We believe that it will be of substantial help to the Court and to the parties to have the benefit of an updated report that includes the impressions of Probation Officer Belgrave from her September 28, 2023 interview of Mr. Morris, particularly because she conducted the original interview of Mr. Morris in 2014.

We contacted Probation Officer Belgrave to request such an addendum to the Supplemental PSR, and she assured us that she has maintained her notes of the September 28 interview, and that her Office would be responsive to such a request if it came from the Court.

Accordingly, we respectfully request that the Court direct that the Probation Department prepare such addendum and that the Court grant the adjournment referenced above.

Respectfully submitted,

/s/ Richard F. Albert
Richard F. Albert
Ariel Cohen

Application granted. The Probation Department is directed to update the Presentence Report accordingly. The sentence is adjourned to January 26, 2024 at 11:00 a.m. Counsel shall refer to the Court's Individual Rules and Practices in Criminal Cases for the dates to file their sentence submissions.

SO ORDERED.


Ronnie Abrams, U.S.D.J.
December 1, 2023